

Item #: _____

Prepared by: _____

Approved by: _____
Assistant County Attorney

JOINT RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE AND THE MEMPHIS CITY COUNCIL REQUESTING THE MEMBERS OF THE TENNESSEE GENERAL ASSEMBLY SUPPORT LEGISLATION TO ENHANCE PUNISHMENT FOR VIOLENT CRIMES COMMITTED WITH A FIREARM AND CRIMES COMMITTED BY THREE OR MORE PERSONS ACTING TOGETHER. CO-SPONSORED BY CHAIRMAN DEIDRE MALONE AND COMMISSIONER MIKE CARPENTER.

WHEREAS, The opening sentence of the great state of Tennessee's Constitution promises that the government will provide for the peace, safety and happiness of its citizens; and

WHEREAS, The State continues to fail miserably in this mission as evidenced by its ranking #2 in violent crime among all 50 states for three consecutive years in 2005, 2006, and 2007 according to the FBI Uniform Crime Report, and

WHEREAS, The Memphis metropolitan area ranked second and the Jackson, Tennessee metropolitan area ranked 13th and the Nashville metropolitan area ranked 69th in 2008 by CQ Press as metropolitan areas with the highest crime rates; and

WHEREAS, The city of Memphis ranked 14th, the city of Knoxville ranked 52nd, the city of Nashville ranked 53rd, and the city of Chattanooga ranked 58th so that the four largest cities in Tennessee were all in the top 60 out of 385 cities as the most unsafe cities over 75,000 people; and

WHEREAS, This is totally unacceptable and places Tennessee at a serious competitive disadvantage in recruiting industry and creating jobs for its citizens in a hyper-competitive global economy; and

WHEREAS, In 1968 Robert F. Kennedy stated correctly that "The real threat of crime is what it does to ourselves and our communities. No nation hiding behind locked doors is free, for it is imprisoned by its own fear. No nation whose citizens fear to walk their streets is healthy, for in isolation lies the poisoning of public participation. A nation which surrenders to crime...is a society which has resigned itself to failure"; and

WHEREAS, Tennessee has codified some of the weakest state laws in the nation that paroles many criminals with little time served on the sentence imposed by the court, so that countless career criminals that should be in jail are free to terrorize and paralyze Tennessee citizens and happily do so, as in the case of a 19 year-old woman who was stabbed to death in her first apartment by a man who was paroled six weeks prior and had served only three years of an eight year sentence; and

WHEREAS, Other states have dramatically toughened state laws and have witnessed violent crimes drop significantly and because of the deterrent effect of smarter laws in states like New York where there is no parole for violent felony offenders, the prison population has decreased and New York City has gone from one of the most dangerous cities in America to one of the safest with the homicide rate dropping by 45.3% from 1995 to 2005; and

WHEREAS, Virginia is another state wherein tougher sentencing laws for dangerous felons marked a decrease in homicides, and in 2004, Florida enacted tougher gun laws which attributed to the state's lowest violent crime rate in 34 years;

and

WHEREAS, In the past in Tennessee these laws have not passed due to the estimated cost; however, the calculators of the fiscal notes are not taking into account in their analysis the deterrent effect that tougher sentences have, nor do they account for the victim costs, such as the \$27 million in annual costs of treating gun shot wounds at the MED in Memphis, but regardless, any potential cost increase is insignificant when compared with the value of one human life, and;

WHEREAS, While we fully acknowledge that meaningful crime reduction is a two-part strategy that not only requires tougher state laws for current criminals so we can stop the hemorrhaging of crime in our communities, but also focus on the underlying socioeconomic issues that push people to criminal activity, and nurturing our youngest children and their families so that they become positive, productive and contributing members our communities and we are pursuing policies at the local level to advance this agenda; and

WHEREAS, Legislation has been introduced in the Tennessee General Assembly in 2009 to address the problems of (1) use of guns to commit crimes (2) gang-related violent crimes and (3) illegal possession of guns by those with criminal records and support prevention, intervention, diversion and rehabilitation; and

WHEREAS, The current state law dealing with gun crimes and gang violence are far too weak and must be strengthened.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That the Memphis City Council and Shelby County Commission hereby fully support the efforts to pursue tougher state laws and to enhance punishment for crimes covering (1) the commission of violent crimes with guns and (2) violent crimes committed by gangs (three or more acting together) as outlined in the STREET TERRORISM BILL (HB 1194/SB 0929) presented this current legislative session by Representative Rich and Senator Stanley.

BE IT FUTHER RESOLVED That the Memphis City Council and Shelby County Commission also support the following bills presented in 2009: BILL MAKING AGGRAVATED ROBBERY COMMITTED WITH A GUN A CLASS A FELONY (HB 0612/SB 0925), BILL FOR PROVIDING TOUGHER SENTENCES FOR CRIMES WITH GUNS (HB 1195/SB 0928) and BILL ENHANCING SENTENCES FOR AGGRAVATED BURGLARIES (HB 2193/SB2115).

BE IT FURTHER RESOLVED That the Memphis City Council and Shelby County Commission also request that the legislative bodies of other cities in the great state of Tennessee also pass a similar resolution to send a unmistakable message to Tennessee's legislators and Governor that citizens demand action so that Tennessee can prosper and be a safe place to raise a family and conduct business.

A C Wharton, Jr., County Mayor

Date: _____

ATTEST:

Clerk of County Commission

ADOPTED: _____